

The Regular Meeting of the Troy City Planning Commission was called to order by Vice-Chairman Littman at 7:30 P.M. on Tuesday, December 11, 2001 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

**Present:**

Waller  
Reese  
Littman  
Kramer  
Pennington  
Storrs  
Starr

**Absent**

Chamberlain  
Wright

**Also Present:**

Mark Miller, Planning Director  
Susan Lancaster, Assistant City Attorney  
Jordan Keoleian, Student Representative  
Doug Smith, Real Estate and Development Director

2. MINUTES

Moved by: Reese

Seconded by: Storrs

RESOLVED to approve the November 13, 2001 Planning Commission Regular Meeting Minutes.

**Yea:**

Reece  
Littman  
Kramer  
Waller  
Storrs  
Starr

**Abstain**

Pennington

**Absent**

Chamberlain  
Wright

MOTION APPROVED

### 3. PUBLIC COMMENTS

There were no public comments

## SPECIAL USE

### 4. PUBLIC HEARING – SPECIAL USE REQUEST (SU-312) – St. Anastasia Catholic Church, West side of John R, North of Hamman, Section 14, R-1C

Mr. Miller stated that Cheryl Whitton, the applicant on behalf of the Archdiocese of Detroit and St. Anastasia Catholic Church, submitted a Special Use Request for the construction of a new rectory, religious educational/gymnasium building and parking lot improvements. The subject property is 9.83 acres in size, within the R-1C Zoning District and is identical in size and shape as the existing church site. A single ingress/egress driveway is proposed with access to John R, with the complete reconfiguration of the parking lot. The original worship building was granted Site Plan Approval in 1969 with a wall required on the west property line. In 1970 the Board of Zoning Appeals granted a variance to the wall requirement on the west property line, and permitted the use of a 4 feet six inch earthen berm in lieu of the wall. Subsequently, the church constructed a rectory, new worship space and parish office that were administratively approved by City Staff.

Mr. Miller further stated that Section 10.30.34 of the Zoning Ordinance stipulates the Special Use conditions for churches within the One Family Zoning Districts. Due to the Zoning Ordinance amendments in July of 2000, there are some clarifications necessary. Paragraphs (E) and (F) require “parking areas” to be setback from residential properties by 50 feet, however, applies only to parking areas approved after July 1, 2000. The subject property had all of the parking areas approved in 1969. While the existing entrance driveway from John R, in the northeast area of the property is within 50 feet from the north property line for approximately 40 feet as measured from the right-of-way of John R, Staff has reviewed this driveway to determine if this is an existing “parking area”. Clearly all traffic is supposed to use this entrance driveway, so it is an integral part of the parking system, yet no parking spaces are provided within 50 feet of the north property line. The petitioner then provided a Site Plan that excludes parking spaces within 50 feet of the north property line, although a maneuvering aisle and loading area are within the 50 feet of the north property line. A 4 feet six inch wall is indicated on the Site Plan to provide a buffer from the proposed maneuvering aisle. It should be noted that the wall will not obscure the loading area.

Mr. Miller further stated that a letter, from an abutting residential property owner at the northeast corner of the subject property, is included in your agenda

package. Generally, the correspondence indicates support for the church expansion. In addition, the residential neighbors would prefer that all parking and loading functions be 50 feet from the church's north property line. Also, it is indicated that the wall not be constructed and the existing vegetation be preserved to serve as a buffer. The wall is indicated on the Site Plan, because the Board of Zoning Appeals has the authority to waive this requirement.

Mr. Miller concluded stating that there appears to be no natural features located on the subject property. Therefore, Staff recommends approval of the Special Use Request and the Site Plan if the petitioner appropriately screens the northeast area of the subject property.

Mr. Littman asked if it satisfies the ordinance even though the aisle is not as the 50 foot setback requires.

Mr. Miller answered that the Zoning Ordinance is not 100% clear, because "parking area" is not defined.

Mr. Storrs clarified which specific parking areas were there prior to July 2000.

Mr. Miller stated they did exist with the provision of a wall and no setback.

Mr. Storrs commented that there is no allowance for expansion of the parking areas. He further commented that it does not agree with his interpretation of the Zoning Ordinance.

Mr. Littman asked if the existing parking areas were less than 50 feet from the property lines.

Mr. Miller answered each pre-existing parking area was permitted.

Cheryl Whitton, the applicant on behalf of the petitioner, stated they are striving for expansion which will enable the church to enhance spiritual and social needs of the parish.

Ms. Whitton further stated that the parish sent out a letter this past year to the neighbors to attend a meeting that was being held on July 10, 2001. The parish expansion project was explained to the residents that attended the meeting. Also, a model was placed on display and we addressed any concerns at that time. The neighbors were invited to attend a meeting at the parish to review the plans.

Ms. Whitton further stated that they had received an additional letter from a resident stating that the Church has always been a good neighbor. Also, the

parish received a phone call this evening from a concerned neighbor regarding the storage container. After their discussion, this neighbor stated she would support church renovations as long as the storage container is removed when the construction is started.

Ms. Whitton further stated that her interpretation of the existing parking areas would allow expansion to the property lines.

Mr. Littman asked what was the distance of the parking areas from the property lines before and what is proposed.

Ms. Whitton stated that the south side at the eastern end was 15 feet and is now 10 feet. That the northwest corner was 30 feet and is now 13 feet.

Ms. Whitton further stated that the reason for locating the loading dock in that area is because supplies get delivered and stored in the back of the building. It is only for loading and unloading and no parking exists in that area.

Mr. Kramer asked if this was to be a phased construction or would it all occur within the next year.

Ms. Whitton replied that all construction will occur within the next year. The parking lot will start in the summer with the completion by the end of the year or first part of 2003.

Mr. Waller asked about the possibility of a berm behind the property that was the closest neighbor to the loading area. Is there any consideration or room for a berm.

Ms. Whitton stated that they believe there is space for a berm. Some neighbors have stated their preference for natural vegetation rather building a wall. However, she believes that there is enough area for a berm if necessary. The Church wishes to accommodate the neighbors. Right now a wall is shown and a variance will be requested.

Mr. Waller asked if the planning commission has the option to waive the wall and approve a berm.

Mr. Miller answered no, the BZA has the authority to provide wall variances.

Mr. Reece asked about the angle of the loading docks. Couldn't it be rotated to reduce the encroachment about 30 degrees south.

Ms. Whitton stated they we were trying to protect very large evergreen trees in that area. They are probably around thirty (30) years old.

Mr. Keoleian asked about light pollution and would the neighbors be affected.

Ms. Whitton replied that lighting will be directed away from the neighborhood.

Public Hearing.

Bob Bushnell, 1770 Welling Drive, stated he lives on the northwest corner of church property, and he does not have any objections. He opposed a wall on their common property line.

Mr. Waller suggested that Mr. Bushnell write a letter to the Planning Department voicing his concern.

Dave Lakin, 4610 Luisa, stated he was the resident who wrote the letter to the Planning Commission. Mr. Lakin also stated that he carried a letter from some other residents. Further, he understood the Planning Commission does not have the power to waive the wall, but felt the Planning Commission could recommend waiving the wall to the BZA.

Mr. Littman stated we do have a Planning Commission representative on the Board of Zoning Appeals.

Mr. Lakin further stated he found the church to be a real good neighbor and does not oppose their Special Use Request. However, he does have a problem with the proposed wall. He preferred the existing natural vegetation to remain.

Mr. Littman stated that the BZA has the wall waiver authority.

Public hearing closed.

Mr. Waller stated that the ordinance calls for a wall and the alternative from the BZA seems to be a berm. He asked if there is any provision to allow a berm or to just allow the natural vegetation.

Mr. Miller stated that the BZA has the authority to waive the wall requirement. The BZA will work out the necessary buffer.

Mr. Storrs commented that the BZA recently waived a screen wall requirement where both the petitioner and the abutting residents agreed on the waiver and that natural screening be provided.

## RESOLUTION

Moved by Waller

Seconded by Starr

RESOLVED, that Special Use Approval, as requested for the St. Anastasia Catholic Church on a 9.83 acre R-1C zoned site, located on the west side of John R Road and north of Hamman, is granted.

Yeas

Littman  
Kramer  
Pennington  
Starr  
Waller  
Reece

Nays

Storrs

Absent

Chamberlain  
Wright

## MOTION APPROVED

Mr. Reece asked Ms. Lancaster if she was comfortable with the parking area as shown on the site plan.

Ms. Lancaster replied she was comfortable.

Mr. Storrs stated he does not believe the parking areas meet the ordinance requirements. Churches are allowed in residential zones, but the adjacent residential land uses should receive more consideration and accommodation from the churches.

## RESOLUTION

Moved by Waller

Seconded by Starr

RESOLVED, that Preliminary Site Plan Approval, as requested for the St. Anastasia Catholic Church on a 9.83 acre R-1C zoned site, located on the west side of John R Road and north of Hamman is granted

Yeas

Littman  
Kramer  
Pennington  
Starr  
Waller  
Reece

Nays

Storrs

Absent

Chamberlain  
Wright

## MOTION APPROVED

## **REZONING PROPOSALS**

5. **PUBLIC HEARING – PROPOSED REZONING (Z-675) – City of Troy, South side of South Blvd., East of John R Rd., Section 1, R-1D to C-F**

Mr. Miller stated that Carol Anderson, Parks and Recreation Director, submitted a rezoning request on behalf of the City of Troy. The request includes six parcels within the R-1D Zoning District and are generally south of South Boulevard and east of John R Road. Subject parcels are to be included in the City's Section 1 Golf Course that will require Site Plan Approval including a recommendation from the Planning Commission and approval by City Council.

Mr. Miller further stated that the northern parcels are currently used as single family residential and vacant. The adjacent land uses include: Flynn Park to the south and east, single family residential to the west, and single family residential in Rochester Hills to the north of South Boulevard.

Mr. Miller further stated that the current Master Land Use Plan designation for the northern parcel is Residential Low Density. The adjacent land use designations include: Open Space City Park to the east and south, Residential Low Density to the west and the City of Rochester Hills located to the north of South Boulevard.

Mr. Miller further stated that the current zoning district classification of the northern parcels are R-1D One Family Residential. The adjacent zoning district classifications include: C-F Community Facilities to the east and south, R-1D One Family Residential to the west and the City of Rochester Hills is to the north of South Boulevard.

Mr. Miller further stated that the southern parcel is currently vacant. The adjacent land uses include: Flynn Park to the east and north, single family residential to the west, and vacant Troy School District property to the south.

Mr. Miller further stated that the current Master Land Use Plan designation for the southern parcel is Open Space City Park. The adjacent land use designations include: Open Space City Park to the north and south, and Residential Low Density to the east and west.

Mr. Miller further stated that the current zoning district classification of the southern parcel is R-1D One Family Residential. The adjacent zoning district classifications include: C-F Community Facilities to the north, and R-1D One Family Residential to the south, east and west.

Mr. Miller concluded stating that the proposed rezoning is consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon these findings the Planning Department recommends approval of the subject rezoning request.

Mr. Kramer asked if the City of Troy owns the entire area on the rezoning request.

Mr. Miller answered yes.

Carol Anderson, petitioner for the City of Troy, stated that the City is looking forward to developing this after the rezoning and site plan approval. She further stated that they have met with neighbors discussing the plan and have a agreements for the plan with the neighbors.

Mr. Waller stated that the Golf Course will need Site Plan approval. When will that come before us.

Ms. Anderson stated approximately January.

Mr. Kramer asked if the petitioner could comment on why the City needs a second golf course.

Ms. Anderson stated that the existing golf course turns away 100 tee times a day during the peak season.

Mr. Littman asked Doug Smith, Real Estate and Development, if he had any comments.

Mr. Smith stated that the City tried to square off the proposed project by purchasing the school district property. The City wanted to keep a barrier from the golf course.

Public Hearing.

Mr. Pradeep Miashsa, 6526 Shoreline Drive, stated that there are only six (6) houses that are affected by the rezoning. How does it affect the rest of the neighborhood and will there be any change in property values.

Mr. Littman stated that some people find it desirable to live on a golf course.

Mr. Miller commented on what is permitted in the C-F zoning district; one-family residential, cultural and art facilities and churches were permitted in this district. He stated that parking could be the biggest problem. The City should take care when approving the Site Plan request to make sure there are no negative impacts.

Mr. Miashsa commented on bushes and vents behind the houses.

Mr. Miller stated the vents are because of the land fill.



Ms. Anderson stated that those open fields will remain and they may or may not be removed. The City intends to landscape this area. In addition, there will be very few trees on the golf course.

Connie Panuca, 6562 Shoreline Drive, stated that she was at the meeting with Ms. Anderson regarding the golf course and feels that it is a great idea as long as care is taken with the layout of the property. She did not have any opposition and supports the rezoning. A golf course is certainly preferable over the other uses that could be used on the properties.

Public hearing closed.

## RESOLUTION

Moved by Pennington

Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1D to C-F rezoning request of six City owned parcels, south side of South Boulevard and east of John R Road, in Section 1, be granted.

Yeas

All Present (7)

Nays

Absent

Chamberlain  
Wright

## MOTION APPROVED

6. PUBLIC HEARING – PROPOSED REZONING (Z-671) – Boys and Girls Club of Troy, Southeast corner of Long Lake and John R, Section 13, R-1C to B-3 & E-P  
Mr. Miller stated that the Boys and Girls Club of Troy have resubmitted a rezoning request for their property and facility, 3.4 acres in size, located at the southeast corner of Long Lake and John R. Current zoning classification is R-1C One Family Residential and the proposed zoning classification is B-3 General Business and E-P Environmental Protection. It should be noted that the application states the property will be used as unknown commercial use in the future. It appears that the rezoning request is for speculative purposes. An Environmental Impact Statement is required when a proposal is intended to enable a development with 50,000 square feet of floor area or greater. The petitioner submitted a schematic site plan with a building of 10,725 square feet of floor area. Therefore, an Environmental Impact Statement is not required.

Mr. Miller further stated that a Special Use Request to establish the Boys and Girls Club of Troy at the subject property was granted by the Planning Commission on December 11, 1979. The club continues to operate at this

location. The club is considered principal use permitted in the proposed B-3 zoning classification.

Mr. Miller further stated that the adjacent land uses include: a Seven-Eleven to the north; former and apparently vacated Bethel Baptist Church to the northwest; CVS and one family residential to the west; the Gibson/Renshaw Drain to the east and an acreage one family residential further to the east; and City of Troy's Fire/Police Training Center to the south.

Mr. Miller further stated that the adjacent zoning classifications include: B-3 to the north; C-F to the south; R-1C to the east; and R-1C to the west, however, the CVS site is controlled by a consent judgment.

Mr. Miller further stated that the adjacent Master Land Use Plan designations include: Low Density Residential to the north; Low Density Residential to the south; Low Density Residential to the east; and Low Density Residential to the west. At the May 23, 2000 Planning Commission Meeting, a proposed Master Plan Amendment request from the petitioner was discussed and the amendment request was withdrawn (see enclosed correspondence and minutes). The subject property was also discussed during the Master Plan/Future Land Use Plan review and update agenda item on January 23, 2001 at Planning Commission Special /Study Meeting. The subject property was discussed in the context of the overall update of the Master Land Use Plan. The Planning Commission considered alternative land use directions for the southeast quadrant of Long Lake and John R. Consideration to amending the subject property to Community Facilities or Medium Density Residential was noted (see enclosed minutes). The Planning Commission is currently in the process of amending the Master Plan/Future Land Use Plan and indicates Low Density Residential for the subject property.

Mr. Miller further stated that at the August 14, 2001 Planning Commission meeting a rezoning request for B-2 Community Business was recommended for approval (minutes enclosed). After the Planning Commission action, the petitioner discussed the issue of the 75 feet required front yard setbacks from John R and Square Lake Roads with City Staff. Taking into consideration the 75 feet setback requirement and the regulated floodplain and floodway (map enclosed) on the subject property, there appears to be limited buildable area.

Petitioner then indicated the desire to increase potential buildable area and maintain the possible use of drive-up service windows and facilities. Therefore, consideration of the B-1 Zoning District would not meet the petitioners needs. Staff then recommended that application of the E-P Environmental Protection Zoning District be considered along the Gibson/Renshaw Drain to serve as transition zone to the existing residential areas to the east.

Mr. Miller further stated that the Staff clearly recognizes the subject property and adjacent areas are designated as Low Density Residential on the Master Land

Use Plan. However, the land use and zoning analysis considers existing land uses and zoning patterns. Directly to the north across Long Lake Road is an existing B-3 Zoning District with a Seven Eleven, animal hospital and day care center. Directly to the west across John R Road there is an existing R-1C Zoning District with a CVS drug store with a drive-up facility, that was part of a consent judgment. Directly to the south is an existing C-F Community Facility Zoning District with the City's Fire/Police Training Center. An example of the negative impacts related to future residential development, a site inspection of the Fire/Police Training Center indicated that the common property line, with the subject property, there is a parking lot that does not have a buffer. While the CVS drugstore and Seven Eleven also contribute negative impacts to any future residential development. Based upon these existing land uses and zoning districts, it appears to be unreasonable to expect residential development on the subject property.

Mr. Miller concluded stating that based upon the existing land use and zoning district patterns staff recommends approval of the rezoning request. The E-P Zoning District, which is part of the rezoning request will provide a transition zone and barrier from the encroachment of non-residential uses to east. In addition, Staff recommends careful consideration of any Special Use requests that may occur in the future because the potential of incompatible land uses.

Mr. Littman stated that a big concern is Bethel Baptist across the street. If someone were to buy that and put in a request for B-3 zoning to match this, we would then be hard pressed to defend keeping it residential.

Mr. Miller stated that he had heard from Mr. Smith that another church was interested in that location.

Mr. Smith stated that Bethel Baptist did sell to another church.

Numerous discussions followed.

Mr. Storrs stated that it seems to him that we shouldn't go away from the residential zoning. With the demand for condominiums, the drain could be considered an amenity. Then we wouldn't get into the problem of the church across the street.

Mr. Kramer stated he was on the same side of the fence as Mr. Storrs, for example, the condominiums at Coolidge and Maple. This site is surrounded by commercial to the west and south.

Frank Kotcher, petitioner, apologized to the Planning Commission for asking them to revisit this rezoning request. Further, he stated that they are currently looking to purchase some Troy School District property to build a new Boys and Girls Club. He commented on why they need the Planning Commission's

recommendation for a B-3 zoning. He stated that previous recommended approval of the application for a B-2 zoning required a 75 foot setback while B-3 would require a 40 foot setback.

Public hearing opened and closed.

Mr. Reece stated that it was premature to rezone the subject property until we find out what other uses are possible.

## RESOLUTION

Moved by Storrs

Seconded by Kramer

RESOLVED, that the Planning Commission hereby recommend to City Council that the request for the R-1C to B-3 and E-P rezoning of a 3.4 acre parcel at the southeast corner of Long Lake Road and John R Road be denied, based on the following:

1. Request is not consistent with the Master Lane Use Plan.
2. Provides the increased potential for non-residential uses in the general area.
3. The subject property is planned for non commercial uses.

### Yeas

Storrs  
Starr  
Reece  
Kramer

### Nays

Waller  
Pennington  
Littman

### Absent

Chamberlain  
Wright

## MOTION APPROVED

Ms. Pennington stated that she agrees with the Planning Director that this area is currently B-3 zoning and the subject property is consistent.

Mr. Waller agreed with Ms. Pennington and added the E-P district is a good measure to protect encroachment of non-residential land uses to the east. The corner is not desirable for residential development.

Mr. Littman stated he also agrees with Ms. Pennington and Mr. Waller and further commented that existing B-3 land uses direct the subject property.

7. PUBLIC HEARING-PROPOSED REZONING (Z-88) – Jax Car Wash, South side of Maple Rd., East of Coolidge Rd., Section 32, B-3 to H-S

Mr. Miller stated that Bruce Larson from the Oscar W. Larson Company submitted a B-3 to H-S rezoning application on behalf of the existing Jax Car Wash. Subject property is located on the south side of Maple Road and east of Coolidge Road and located on 0.75 acre parcel. The intended purpose of the rezoning is to install gasoline pumps at an existing car wash and make the existing auto wash a conforming use. On October 16, 2001 the Board of Zoning Appeals denied the petitioner's request to expand the nonconforming use to allow gasoline pumps (letter and minutes enclosed).

Mr. Miller further stated that the current use of the subject property is an auto wash without fuel sales. The adjacent land uses include: New China Restaurant to the east of the site; an industrial building to the south of the site; Enterprise Rent-a-Car to the west of the site, and a retail center and office building north of Maple Road.

Mr. Miller further stated that the current Master Land Use Plan designation for the subject property is Community Service Area Commercial. The adjacent land use designations include: Community Service Area Commercial to the east, west and north, and light industrial to the south.

Mr. Miller further stated that the current zoning district classification of the subject property is B-3 General Business. The adjacent zoning district classifications include: B-3 General Business to the east and west of the site, M-1 Light Industrial to the south of the site, and B-2 Community Business and O-1 Low Rise Office north of Maple Road.

Mr. Miller further stated that Section 23.40.00 & 01 & 02 & 03 of the Zoning Ordinance states that the H-S Highway Service District may be applied when the application of the classification is consistent with the intent of the Master Land Use Plan and land use policies of the City, and therefore may be used on a limited basis involving the following types of areas:

1. Areas indicated on the Master Land Use Plan for Non-Center Commercial use.
2. Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

Mr. Miller concluded that the proposed rezoning appears to be consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon these findings, the Planning Department recommends approval of the subject rezoning request.

Mr. Kramer stated that 25 years ago when we talked about H-S, it was to be the major intersections in Troy. It was set up basically 25 years ago. Now gas stations became banks and the banks have become pizza places. If the car wash is non-conforming, I believe there are a number of intersections that would be good for H-S zoning. Shouldn't we be discouraging this non-conformance use. Maybe there is a better location for a car wash.

Mr. Miller stated that the locational standards in the Zoning Ordinance specifically states the H-S be applied in areas where commercial and service uses provide retail opportunities for industrial uses. The Zoning Ordinance provides a locational standard which is not provided for most of the zoning districts.

Mr. Kramer asked that the Planning Commission encourage a better site plan.

Mr. Bruce Miles, petitioner, stated that he was the previous owner of the company in 1998. He stated that the company that bought the auto wash from him did not have the funds to meet the new government standards and had the gas tanks removed. Gas is a big drawing card in our business. This is why we are requesting that the tanks be put back in.

Mr. Storrs asked what led you to buy the business back.

Mr. Miles stated that the company that owned it went bankrupt.

Mr. Storrs asked Mr. Miles if he knew there was an opportunity to get gas back in there when you repurchased.

Ms. Pennington asked how many pumps were previously at this location.

Mr. Miles stated there were four (4); however, they plan to install only two (2) at this time. The pumps will be placed in the same location on the property.

Mr. Reece asked if there was gas at all his other locations.

Mr. Miles stated not all have gas but many do have gas.

Mr. Littman asked if this does go forward, please work hard to create a safe circulation pattern as well as some careful work with those driveways.

Public hearing opened and closed.

Mr. Starr commented on concern for zero lot line. Look at Rochester Auto Wash, that has a zero lot line.

## RESOLUTION

Moved by Waller

Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-3 to H-S rezoning request of 0.75 acres south side of Maple Road and east of Coolidge Road, be granted.

Yeas

Reece

Littman

Waller

Pennington

Storrs

Starr

Nays

Kramer

Absent

Chamberlain

Wright

## MOTION APPROVED

Mr. Kramer stated that expansion of this use is a detriment to the traffic in this area.

## SITE PLAN

8. SITE PLAN REVIEW - CUSTER ESTATES SITE CONDOMINIUM, North of Long Lake and East of John R, Section 12, R-1C

Mr. Miller stated that Seretek, Inc. submitted a Site Plan for the proposed Custer Estates Site Condominium. The Subject property is part of lot 13 of Eyster's John R. Acres Subdivision, 0.727 acres, within the R-1C Zoning District. The proposed site condominium will include two (2) units and an extension of Custer Drive, a public road, from Long Lake Meadows No. 3 Subdivision. It appears the subject property is a remaining piece of property after lot splits, due to it's unusual shape.

Mr. Miller further stated that stormwater detention will occur within an existing basin for the Long Lake Meadow Subdivisions. The Natural Features Map indicates woodlands on the subject property. Staff has included a 'plat of exception' that was prepared when Long Lake Meadows No. 3 Subdivision was approved.

Mr. Miller concluded that all Zoning Ordinance requirements have been met and the Planning Department recommends approval of the site plan.

The neighbor at 2221 Custer, stated that he is the owner of lot 135 of Long Lake Meadows. He stated that the City should stop circumventing the State Law. He

further stated that he wants the houses to stay in conformance and wants construction in a timely and quality manner. He stated there were delays in construction phases previously.

Mr. Terrence, petitioner, stated that there were legitimate delays at that time.

#### RESOLUTION

Moved by Kramer

Seconded by Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Custer Estates Site Condominium, located north of Long Lake Road and east of John R Road be approved.

Yeas

All present (7)

Nays

Absent

Chamberlain  
Wright

MOTION APPROVED

#### RESOLUTION

Moved by Reece

Seconded by Starr

RESOLVED, that Gary Chamberlain and Wayne Wright be excused from attendance at this meeting.

Yeas All Present (7)

Absent: Chamberlain  
Wright

MOTION APPROVED

MEETING ADJOURNED 9:15 P.M.

Respectfully submitted,

Mark F. Miller  
Planning Director